

**REMARKS**

Claims 21-57 are pending in this application. By this Amendment, claims 21, 24, 35, 37 and 42 are amended. Claims 46-57 are added. Support for the amendments may be found in at least Fig. 1, and page 18, line 20-page 19, line 5 and page 19, line 17-page 20, line 7, of the specification. No new matter is added. Applicant respectfully requests reconsideration and prompt allowance of the pending claims at least in light of the following remarks.

**I. Information Disclosure Statement**

The Examiner is requested to consider the references submitted with the Information Disclosure Statement concurrently filed herewith.

**II. Claims 27 and 28**

Applicant gratefully acknowledges the Office Action's indication that claims 27 and 28 recite allowable subject matter.

**III. 35 U.S.C. §102(e) Rejection**

Claims 21-26, 29, 30, 33-38 and 41-45 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0136494 (Lof). Applicant respectfully traverses the rejection.

Lof fails to disclose:

1)"a member having a liquid contact surface, the member being disposed above the substrate at the measuring station; a liquid supply port which is disposed at the measuring station and supplies a liquid between the liquid contact surface of the member and the substrate held by the second movable member from above the substrate; and a liquid collection port which is disposed at the measuring station and collects the liquid from above the substrate," as recited in claim 21,

2) "providing a member having a liquid contact surface, the member being disposed above the substrate at the measuring station; supplying a liquid between the liquid contact

surface of the member and the substrate held by the second movable member via a liquid supply port, the liquid supply port supplying the liquid from above the substrate; and collecting the supplied liquid via a liquid collection port, the liquid collection port collecting the supplied liquid from above the substrate," as recited in claim 35, and

3) "a member having a liquid contact surface, the member being disposed above the substrate at the measuring station; and a second liquid supply device that includes a liquid supply port, and that forms an immersion area partially on a substrate held by a second one of the movable members at the measuring station, the liquid supply port supplying a liquid from above the substrate held by the second one of the movable members," as recited in claim 42.

Lof discloses that a measurement could take place while a target portion of a substrate is submerged in liquid, i.e., the measurements take place through liquid, but not the same liquid as supplied by a liquid supply system (paragraph [0024]). Lof also discloses that positions of points on a substrate would therefore be measured with liquid between a measurement system and the substrate. *Id.* Fig. 2 of Lof discloses a measurement system 30 and a projection system PL, while a substrate table WT is at the measurement station (Fig. 2 and paragraph [0057]). However, Lof fails to disclose how liquid is supplied to the measurement station and how the liquid supplied to the measurement station is collected. For example, Lof fails to disclose that a liquid supply port supplies a liquid from above a substrate, and a liquid collection port collects the liquid from above the substrate, as recited in claims 21, 35 and 42. Thus, Lof fails to disclose the above feature recited in claims 21, 35 and 42.

Thus, claims 21, 35 and 42 are patentable over Lof. Further, claims 22-26, 29, 30, 33, 34, 36-38, 41, 43-45 and new claims 46-57 are patentable for at least the same reasons as claims 21, 35 and 42, as well as for the additional features they recite. For example, Lof fails to disclose "an affinity of the liquid contact surface of the member is substantially equivalent

to an affinity of a liquid contact surface of the optical member," as recited in claims 24 and 37. Further, Lof fails to disclose "a distance between the surface of the substrate on the exposure station and the optical member is substantially the same as a distance between the surface of the substrate on the measuring station and the member," as recited in claims 55-57. Applicant respectfully requests withdrawal of the rejection.

**IV. 35 U.S.C. §103(a) Rejection**

Claims 31, 32, 39 and 40 are rejected under 35 U.S.C. §103(a) over Lof in view of U.S. Patent Application Publication No. 2004/0160582 (Lof 582). Applicant respectfully traverses the rejection.

This rejection is based on the assumption that Lof discloses, teaches or suggests the above features of claims 21 and 35. As discussed above, Lof fails to disclose the features of claims 21 and 35. Further, Lof 582 fails to make up for the deficiencies of Lof. Thus, claims 31, 32, 39 and 40 are also patentable. Applicant respectfully requests withdrawal of the rejection.

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In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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Attachments:

Request for Continued Examination  
Petition for Extension of Time  
Amendment Transmittal  
Information Disclosure Statement

Date: October 13, 2011

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